

**REMARKS**

Claims 1-31 are pending in the present application. Claims 1-31 stand rejected. By the present amendment, Applicants have amended Claims 1, 12, 15, 19, 22, 24 and 30. No new matter has been added by the amendments herein. Reconsideration of the present application in light of the present remarks is respectfully requested.

**I. Claim Objections**

The Examiner objected to Claims 15-23 for informalities which have been addressed by the present amendment. Applicants have eliminated the terminology "suite of sensors" as objected to by the Examiner. Accordingly, Applicants requests that the Examiner's objections to these claims be withdrawn.

**II. Claim Rejections under 35 U.S.C. § 112**

The Examiner rejected Claim 12 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which the applicant regards as the invention. The Examiner contends the claim term "the environment" lacks atecedent basis. Applicants respectfully submit that Claim 12 has been amended to address the Examiner's rejection. Accordingly, Applicants request that the Examiner's 35 U.S.C. §112, second paragraph, rejection of Claim 12 be withdrawn.

**III. Claim Rejections under 35 U.S.C. § 102**

The Examiner rejected Claims 1-3, 6-10, 13-16 and 19-20 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,646,997 to Barton ("Barton "). Applicants respectfully submit that the amendments to independent claims 1, 15 and 24, particularly the inclusion of: the step of

“figure-of-merit testing,” in Claim 1; “a steganographic engine configured to combine the acquired data and the acquired meta-data according to the results of a figure-of-merit testing,” in Claim 15; and “a steganographic engine configured to combine the electro-optical image and the meta-data according to the results of a figure-of-merit test,” in Claim 24, have overcome all of the Examiners 35 U.S.C. § 102 rejections. Barton does not disclose or teach figure-of-merit testing, nor does Barton disclose or teach a steganographic engine configured to combine data according to figure-of-merit test results.

Applicants respectfully submit that, in view of the claim amendments presented above, the Examiner's 35 U.S.C. § 102 rejections have been overcome. Accordingly, Applicants respectfully request that the Examiner's 35 U.S.C. § 102 rejections be withdrawn.

#### **IV. Claim Rejections under 35 U.S.C. § 103**

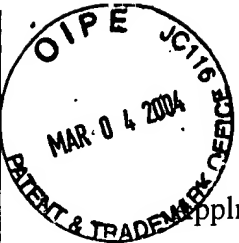
The Examiner rejected Claims 9 and 22 under 35 U.S.C. § 103(a) as being unpatentable over Barton; Claims 4-5 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Barton in view of U.S. Patent No. 5,946,414 to Cass et al. ("Cass"); Claims 7-8 and 17-18 under 35 U.S.C. § 103(a) as being unpatentable over Barton in view of U.S. Patent No. 6,233,347 to Chen et al. ("Chen"); Claims 11-12, 24-25 and 28-30 under 35 U.S.C. § 103(a) as being unpatentable over Barton in view of U.S. Patent No. 6,292,092 to Chow et al. ("Chow"); Claim 23 under 35 U.S.C. § 103(a) as being unpatentable over Barton in view of U.S. Patent No. 6,278,791 to Honsinger et al. ("Honsinger "); Claims 26-27 under 35 U.S.C. § 103(a) as being unpatentable over Barton in view of Chow and further in view of Chen; and Claim 31 under 35 U.S.C. § 103(a) as being unpatentable over Barton in view of Chow and further in view of Honsinger. For the reasons described above with respect to

the Examiner's 35 U.S.C. § 102 rejections, Applicants submit that the Examiner's 35 U.S.C. § 103(a) rejections have been overcome by the current amendments to independent Claims 1, 15 and 24. No combination of Barton, Cass, Chen, Chow or Honsinger discloses, teaches or renders obvious a method or a device including figure-of-merit testing to determine how to combine first data acquired via a first sensor with meta-data contemporaneously acquired via a second sensor in order to provide steganographic data that imperceptibly varies from the first data.

The Examiner contends that Barton teaches combining first data with meta-data to form steganographic data. The Examiner further contends Chen teaches figure-of-merit testing to enable the combination of first data and second data in a manner such that the steganographic data varies imperceptibly from the first data. However, neither Barton nor Chen (nor any of the remaining cited prior art) teaches or renders obvious (1) using a first sensor to acquire first data, (2) using a second sensor to contemporaneously acquire meta-data associated with the first data and (3) utilizing figure-of-merit testing to ensure the combination of the first data and the meta-data varies imperceptibly from the first data. Therefore, Applicants respectfully submit that in view of the amendments to the independent claims and the arguments presented above with respect to the Examiner's 35 U.S.C. § 102 rejection, that the Examiner's 35 U.S.C. § 103 rejections have also been overcome. Accordingly, Applicants respectfully request that the Examiner's 35 U.S.C. § 103 rejections be withdrawn.

### **CONCLUSION**

Applicants assert that this application is in condition for allowance. Early allowance is respectfully requested.



Appln. No. 09/672,452

If for any reason the Examiner is unable to allow the application and feels that an interview would be helpful to resolve any remaining issues, the Examiner is respectfully requested to contact the undersigned attorney at (312) 372-2000.

Dated: March 1, 2004  
McDermott, Will & Emery  
227 West Monroe Street  
Chicago, IL 60606-5096  
(312) 372-2000

Respectfully submitted,

Patrick D. Richards  
Patrick D. Richards  
Reg. No. 48,905

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**MAR 09 2004**

**Technology Center 2600**

CHI99 4250230-1.023635.0213